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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

March 24, 1994

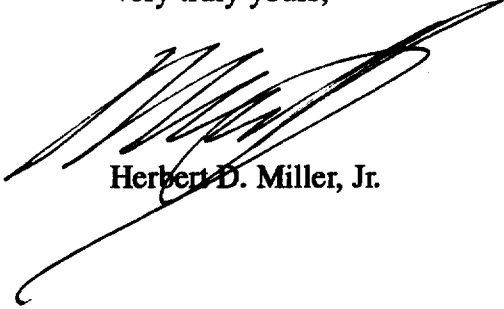
William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Dear Mr. Caton:

Transmitted herewith, on behalf of Telephone and Data Systems, Inc. and United States Cellular Corporation, is their Opposition to the Motion for Leave to Intervene in CC Docket Number 94-17 filed by Townes Telecommunications, Inc.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,


Herbert D. Miller, Jr.

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

IN RE APPLICATION OF

TELEPHONE AND DATA SYSTEMS, INC.

For facilities in the Domestic Public
Cellular Telecommunications Service
on Frequency Block B in Market 715,
Wisconsin 8 (Vernon) Rural Service
Area

CC Docket Number
94-11

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MAR 24 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

TO: Honorable Joseph P. Gonzalez
Administrative Law Judge

OPPOSITION TO MOTION FOR LEAVE TO INTERVENE

Telephone and Data Systems, Inc. (TDS) and United States Cellular Corporation (USCC) file herewith, by their attorneys, their Opposition to the motion of Townes Telecommunications Inc. (TTI) for leave to intervene in this proceeding.

I. TTI Is Not In The Class of Parties Identified by the Hearing Designation Order.

The *Hearing Designation Order (HDO)* states:

"We recognize that various other parties have raised footnote three issues against either USCC or TDS in other proceedings. Any of those other parties which have pending petitions alleging these character issues may file a petition to intervene in this proceeding pursuant to Section 1.223 of the Commissioner's Rules." (*HDO*, ¶ 38).

TTI neither has, nor claims to have, any petitions against USCC or TDS pending at the Commission.

II. TTI Lacks A Cognizable Interest in this Proceeding.

According to TTI, it "owns significant cellular interests" and is a partner or joint venturer with TDS in "various cellular markets," including at least one market

where TDS is the system manager," (TTI Motion, pp 1 - 2)¹. All of these markets are in Texas, Oklahoma and Arkansas. TTI adds that it is a plaintiff in a civil suit in Texas against TDS and its affiliated companies concerning "various contractual issues" (*Id* at 2). Given its lack of any interest in the Wisconsin RSA 8 market, TTI makes no claim to any economic or other cognizable interest in this proceeding.

III. The Matter as to which TTI Claims to be in a Position to Assist the Commission is Not at Issue in this Proceeding.

According to TTI,

"To the extent that TDS's, and its affiliated companies', manner of conducting business is relevant to the captioned proceeding, TTI will be able to provide useful information." (*Ibid*)

The designated issues in this proceeding, however, have to do with the candor of USCC in the *La Star* proceeding. As the Bureau noted in its Comments in Support of Portland Cellular Partnership's Petition to Intervene,

"The instant proceeding is not to make a determination of USCC control in any market. The Commission has already made determinations regarding USCC control in both New Orleans (the La Star market) and in Portland. The instant proceeding is only to determine whether USCC misrepresented facts, lacked candor, or attempted to mislead the Commission in the La Star proceeding." (Common Carrier Bureau Comments, p. 3).

The designated issues do not require, or permit, an inquiry into the TDS' and/or USCC's "manner of conducting business" in unspecified markets.² TTI makes, and

¹ In a footnote, TTI claims to read the HDO as indicating "that TDS's [sic] and USCC's [sic] view their role in the La Star case as minority interest holders with system management company responsibilities but that the majority owner makes all policy decisions." TTI Motion, p. 2, n. 1. TDS and USCC do not view themselves as having any "system management company responsibilities" whatever with respect to *La Star*, and have no idea why TTI reads the HDO as suggesting that they do.

² TTI also claims that because of its participation in the unidentified civil suit referred to above, its participation here will, "to some extent, foster candid responses from TDS and its affiliated companies concerning the manner in which TDS and its affiliated companies conduct their cellular operations." (TTI Motion, p. 2). This statement appears to be insulting, but is otherwise incomprehensible.

can make, no claim to be in a better position to assist the Commission in resolving those issues than could any "man in the street" capable of reading the *La Star* record.

Conclusion

The TTI petition is egregiously lacking in specificity, fails to set forth any cognizable TTI interest in this proceeding, and fails to state any way in which TTI's participation may assist the Commission in its determination of the designated issues. The TTI Petition should be denied.

Respectfully submitted,
TELEPHONE AND DATA SYSTEMS, INC.
UNITED STATES CELLULAR CORPORATION

By /s/ Alan Y. Naftalin
Alan Y. Naftalin

By /s/ Herbert D. Miller, Jr.
Herbert D. Miller, Jr.

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March 24, 1994

Certificate of Service

I, Richard Massie, a secretary in the law firm of Koteen & Naftalin, hereby certify that I have this date sent copies of the foregoing to the following by First Class United States Mail, postage prepaid:

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/s/ 
Richard Massie

March 24, 1994